

THE COPPER ERA

AND MORENCI LEADER

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ALL COUNTY ROAD CONSTRUCTION IS IN ABEYANCE

Supervisors Are Awaiting Opinion of State Attorney General Before Resuming Road Work—Road Vouchers Not Now Negotiable Amount to About \$20,000, and Will Not Be Paid by County Before December 1, 1915—Horton Says That Bonds Cannot Be Issued For Road Purposes—Cotey Case Comes for Trial and Court is Kept Busy With Other Cases.

All road work of Greenlee county is still in abeyance, operations having ceased by command of the supervisors on the morning of Saturday, Dec. 12, because of the supervisors being in doubt as to the legality of issuing vouchers against an exhausted road fund, and upon receipt of the opinion of the state attorney general as to the legality of such action, provided the opinion is that it is legal, work upon the county roads will immediately resume.

This ceasing of road construction, added to the fact that vouchers immediately upon the ceasing of road work became not commercially negotiable, has been the theme of interesting conversation all this week, as at the time of ceasing a total of probably six hundred men were engaged in road construction, the men thereby losing employment, and in addition losing a number of them, varying amounts of pay represented by vouchers which they could not cash. Likewise a number of merchants were holding vouchers at the time the banks announced that they would no longer cash the documents. The estimate is made that a total of \$20,000 is represented by vouchers which cannot at this time be cashed. A considerable portion of this amount is held by the banks, these institutions having cashed many vouchers before the supervisors became in doubt as to the legality of issuance.

The opinion of County Attorney Horton is that every voucher issued by the supervisors will be paid by the county, he interpreting the state law on the question as meaning that the supervisors have the right to issue vouchers in payment of road construction, even though the road fund at the time is entirely exhausted. However, the vouchers cannot be cashed before December 1, 1915, because of the fact that not before that time will the tax payments of the year 1915 be made.

The situation as affecting these vouchers will be interesting indeed should the attorney general decide that their issuance was not legal. The opinion is expressed that in case of such a decision the holders of the vouchers would probably be protected by a special act of the legislature regarding the matter.

The county road fund is entirely exhausted, in fact its condition is minus, the estimate being that the three incoming supervisors will find the fund facing a deficit of at least \$30,000.00, this amount being represented by the vouchers issued against a depleted treasury, and by payments of considerable amounts owing to Contractors Vandercook & Black, and to Contractor O. J. Cotey, in case the latter wins his present suit against the county. The fund will be replenished between January 1, 1915, and the first of the December following, only by the payment of personal road taxes on the part of the citizens. This income for this year amounted to about \$8,000, and is expected to bring next year about \$6,000, a great number of citizens having left the county since the present depression began.

Attorney Horton is of the opinion that the issuance by the county of bonds for the purpose of gaining money to be used upon road construction is not legal. This opinion if correct, means that the completion of the Morenci canyon highway will not be before at least a year has passed, granting of course that the attorney general holds that the issuance by the supervisors of vouchers against a depleted road fund is illegal, as the issuance of vouchers, or bonds, are the only methods for the road's completion being open to the supervisors, the general road fund being in a minus condition. The completion of the Morenci canyon road is a matter of the greatest concern to many of the county's inhabi-

itants, the people of Morenci especially being anxious to gain to Clifton a route which will be open to traffic at all seasons of the year, an advantage which they do not at present enjoy in the present road along the bottom of the Morenci canyon, for this road, which was to have been replaced by the road now lacking completion, was such that rainfall of even slight amounts made traffic impossible for days at a time. The estimate is made that the cost of completing the new road would not be more than \$10,000, in comparison with the amount of about \$30,000 which the work accomplished has cost. So the opinion of the attorney general regarding the legality of issuing road vouchers by the Greenlee supervisors at this time is awaited with all eagerness by a considerable portion of the county's people.

Court in Action.

Judge Laine on Saturday, December 12, sentenced to the state penitentiary Ramon Ruelas and Todor Flores, the former receiving a sentence of from twelve to fifteen years, and the latter receiving a less severe sentence of from three to five years. Ruelas was accused of the crime of rape, the victim being a Mexican girl of the age of sixteen years, while Flores was accused of attempting to rob the store of a Chinaman, he endeavoring to run away with the cash register while the store was tended only by a daughter of the merchant. Both the sentenced men resided at Morenci, where they committed the offenses to which both pleaded guilty before Judge Laine.

J. H. Beals, of Metcalf, where he was apparently elected at the November 3 election, on the republican ticket, to the office of constable, this week requested of Judge Laine that the Court allow him, Beals, to have tried before a superior judge of another county the contest case brought against Beals by Jake Arnett of Metcalf, who complains that Beals was not properly, according to the actual ballots cast, entitled to the decision of election. Accordingly Laine consented to Beal's request and yielded the case to Judge McAllister, of Graham county, this official having already been requested by Laine to come to Clifton to try the case of O. J. Cotey against Greenlee county. The result of the trial of Beal's case before McAllister was a decision in favor of Arnett, he being awarded the recount desired in his complaint. McAllister decided that the recount of the ballots cast on November 3 of the Metcalf precinct should be on Monday, December 21, and that the judges should be Curry H. Love, David Ling, and L. F. Sweeting.

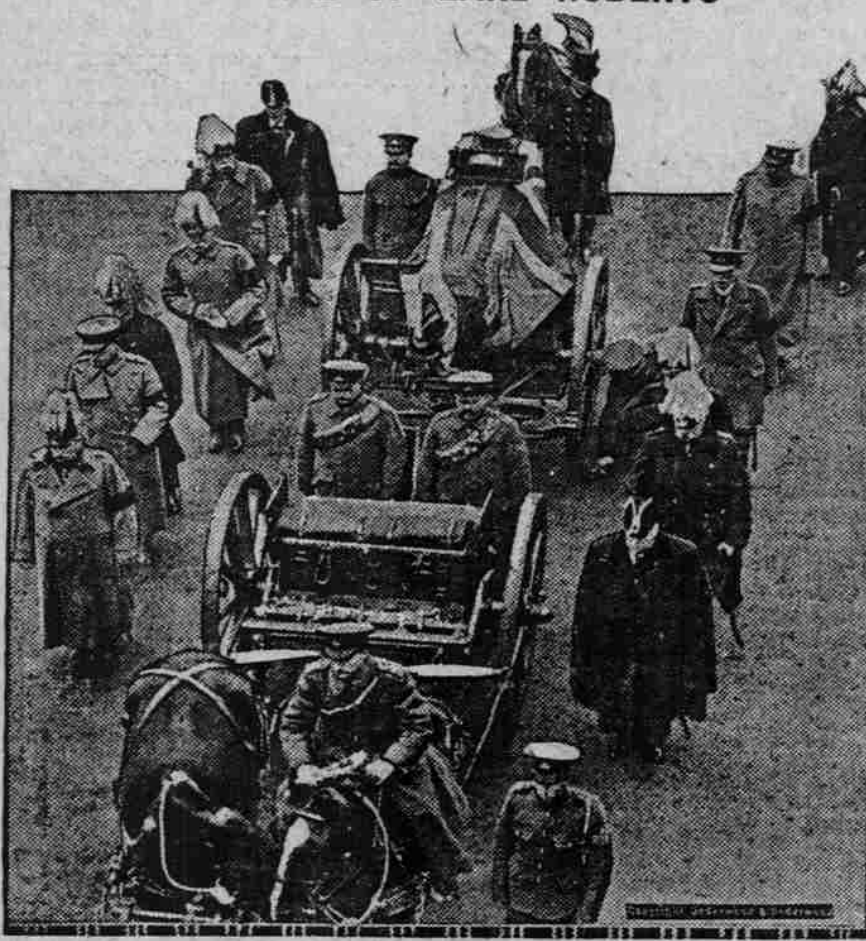
The case of O. J. Cotey against the county of Greenlee was tried on Wednesday, December 16, before Judge McAllister of Graham county, with the result that after the introduction of quantities of evidence, both oral and written, the attorneys of both Cotey and the county requested the Court to defer its decision pending time in which will be introduced by the plaintiff a brief, a brief in answer by the defendant, and a replying brief by the plaintiff. Cotey's attorneys are to file within fifteen days from the time of the trial the first brief, which document the defendants will meet with a brief to be filed within ten days of the time Cotey's brief is filed, and within five days of the filing of the defendant's brief one in reply is to be filed by Cotey. Thus the decision of the case cannot be within less than approximately thirty days from the time of trial, on December 16. This is a case in which Cotey is endeavoring to compel the county to pay him for construction of certain portions of the Clifton-Metcalf road. Attorney Lynch is for the plaintiff, while County Attorney Horton is for the defendant.

J. Rocco Zappa this week, through his attorney, L. Kearney, filed in the Superior Court a suit against Saturnino Santander, the action being to obtain judgment against the defendant because of his failing to pay an alleged promissory note of the amount of \$249.25, which represents a debt incurred through the purchase of merchandise from Zappa.

R. J. Young this week entered suit, through his attorney, Stratton & Lynch, against Geo. H. Cosper, Jr., who resides at Richmond, Grand county, N. M., according to the plaintiff, who alleges that his cause for action is the non-payment of a promissory note given at Duncan on February 7, 1914, by the defendant to Zundel & Young, the amount of the

(Continued on Page 8.)

FUNERAL OF EARL ROBERTS



In a cold drizzle England paid her last tribute to Lord Roberts, the "grand old man" of her army, as the cortege passed through the streets from Charing Cross station to St. Paul's cathedral, where the remains of the late field marshal were laid in the tomb. The photograph shows the soldier's body on the gun carriage which his son tried to save at Colenso at the expense of his life.

Bees Tap Celler, Recover Honey. Winchester, Kan.—When ex-County Assessor Welshaar tapped his beehives and stored 100 pounds of honey in his cellar he thought his troubles were over. But such was not the

case. The other day his wife discovered numerous bees in the house and asked her spouse to investigate, which resulted in his finding all but a few pounds of the honey gone. The bees had carried it away.

AUSTRIANS TO MAKE PROTESTS

Will Meet Today in Lowell to Frame Messages to Ambassadors in Washington, Protesting on Enforcement of Bill.

BISBEE, Dec. 14.—The Austrians and Hungarians of the district have been called together for a special meeting at their hall in Lowell for this afternoon when they will consider the advisability of protesting with the British and Italians against the enforcement of the new state statute providing that 80 per cent of all employees shall be citizens of the United States. They have been invited to take this action by the Austrian bodies of Globe, Miami, and Jerome, where such action will be taken tomorrow, also, and where protests have already been framed for the adoption of the members of the society.

That the local Europeans will undoubtedly follow the example already set by the Italians and British, is beyond doubt. Yesterday some of them stated that they will frame messages to the state department and their representatives in Washington protesting the law on the ground that it is unfair, discriminating and works hardships on the community and on themselves. They stated that they will fight the law to the limit as their living and the livelihood of their families depends on the failure of the act. They are preparing their message so that it may reach Washington before Governor Hunt issues his official proclamation declaring the law operative.

Later in the afternoon members of the same society are requested by the order to meet in the Fair Hall in Bisbee, where they will take up the matter of the European war, the relief for Belgium and the general good the local members can do in their passive rolls. It is expected that the body will immediately take steps toward framing resolutions and providing benefits for the war stricken of their lands, and that generous replies will be had to the demand on the organization membership.

Leave for Globe.

Messrs. Jameson and McArthur, the former of the Jeffries Automobile company, of Kenosha, Wisconsin, and the latter of the McArthur Brothers, automobile dealers, of Phoenix, left for Globe, where they will spend several days in the interests of their respective businesses, which tasks occupied their time while spending several days in Clifton.

EXECUTIONS ARE STAYED AT LAST MINUTE

On Eve of Issuing His Proclamation Governor Hunt Grants Reprieves to Four Condemned Men and Commutes Other Two.

PHOENIX, Dec. 16.—At almost the last minute before issuing the proclamation that will take from him the power to commute or relieve without having first submitted, the cases to the board of pardons and reprieves, Gov. Hunt yesterday commuted the sentences of two of the condemned men at Florence to life imprisonment, and granted a reprieve of four months to the other four. The six men were to have hung Dec. 19.

Commutation of the sentences of William Campbell and Charles Schaffer was made on the ground that their trials in the lower courts were conducted with undue haste and that material evidence which would have resulted in a lighter penalty was ruled out. Reprieves were granted Eduardo Perez, N. B. Chavez, Francisco Rodriguez to allow the attorney general time to review their cases. The case of Miguel Peralta was referred to the supreme court.

In his letter to the attorney general asking him to review the cases, the governor requests that his opinion state whether there exists any reasonable doubt as to the guilt of the condemned men, and also if there are any palliative circumstances which would command a modification of the death penalty. "It is my further request" says the governor, "that special consideration be given to a pertinent and important phase of the three capital cases above mentioned—namely the fact that in every instance the defendant, immediately prior to the commission of his crime, had indulged either moderately or excessively in alcoholic beverages."

On the assumption that the legal status of a drunken man has been defined by eminent jurists, the governor requests the attorney general to include "all available citations of opinions rendered and precedents established by competent judicial officers of this and other countries, whereby a just decision may be reached affecting the lives of the prisoners whose cases are herewith presented to your consideration."

As a further reason for granting these reprieves, the governor alluded to numerous protests from citizens

against a general execution and made reference to the fact that should several hangings occur immediately preceding Christmas week, the spirit of the holiday season would be violated and that such a course would offend the public conscience. He stated, furthermore, that his review of the voluminous testimony relating to the different capital cases had brought to light several points of such serious import as to render advisable a consideration of the evidence by the supreme court and attorney general.

In his commutation of Charles Schaffer, sentenced to hang for shooting Edward Giles at Winkelman in 1911, the governor stated that the trial was conducted with undue haste, and that much material evidence was excluded. In addition he incorporates in his proclamation letters from former Judge Ernest W. Lewis, who presided in the trial court and Judge F. B. Laine, of the superior court of Greenlee county, who pronounced the death sentence on Schaffer after his case had been passed upon by the supreme court. The letters express the opinion that the sentence imposed was too severe and that defendant's attorney's error in preparation of questions upon motion for a new trial.

Referring to Campbell's case, Gov. Hunt made the following comment concerning his reasons for granting clemency:

"A review of the testimony in the case of William Campbell shows that the defendant was a colored bootblack residing and working in the city of Prescott, Arizona, and that the person whom he killed was a white man named Ernest Presti, alias Kid Kirby. While the occupation of the deceased is not discoverable in the evidence taken at the time of the trial, and in fact appears to have been carefully excluded, several citizens of Prescott in good standing have stated in writing over their signatures, that Kid Kirby was an ex-pugilist and whiteslayer, who had several times been arrested and fined for offenses involving brutality toward women of the underworld."

"There is nothing in the evidence or other statements separately submitted, to show that the defendant had, since his childhood, been anything else than a steady-going, industrious colored boy. The judge who presided over Campbell's trial did not permit the attorneys for the defense to introduce testimony tending to prove that on several occasions immediately preceding the murder Kid Kirby had attacked Campbell with a loaded rubber hose and brass knuckles, and had, on such occasions, severely injured him."

The facts obtainable outside of the transcripts of evidence indicate that after Kirby had inveighed, Campbell into a dice game he deliberately tried to defraud him of some of his money, and that when Campbell protested against this treatment he was made the object of several vicious attacks."

"The statements of citizens of Prescott, also, show Campbell after several such encounters in the course of which he had suffered physically, secured a gun, and that on the occasion of his next meeting with Kirby he killed him."

"While Campbell is not, of course, to be considered blameless, it is my firm conviction that the crime committed does not merit death as a penalty, especially in view of the undue haste exercised in the trial of the defendant and the unwarranted zeal exhibited by some prominent people of Prescott in demanding his execution."

Thirteen men were awaiting execution at the state prison prior to the recent election when the proposal to abolish capital punishment was defeated. Of these cases six are now pending in supreme court, one has been reduced on retrial to a ten year sentence, two have been commuted to life imprisonment and four granted reprieves until March 19, 1915. The governor's action yesterday, which was not unexpected by those who knew his attitude on the subject of capital punishment, does away with the possibility of a general execution at the state prison at any time in the near future. The sixty-day stay of execution in the case of John Tomlin and A. W. Leonard expires December 31. Just what action will be taken in case their motion for a new trial is denied in supreme court has not been announced.

To the holder of certificate No. A-3766 of Cumberland-Ely Copper Co. stock.—Important information will be given. Write name to K., box 195. The Times, Los Angeles, Cal. 1tpd.

CONSERVATIVE MEN CHOSEN AS LABOR LEADERS

State Federation at Its Annual Election Names Men Who Are Opposed to Radical and Socialist Formerly in Control.

PHOENIX, Dec. 12.—Even in the Arizona State Federation of Labor, conservatism is to the fore in the annual election the radicals and socialists were ousted from control of the organization. President Bert Davis and Secretary Robert A. Campbell were defeated for re-election.

The new president is E. J. Warren, of the Phoenix cooks' and waiters' union. Bert T. Wilkinson, of the Phoenix carpenters, is secretary. Both are known as conservatives. They had the solid support of the barbers, cooks and waiters, cigarmakers and bartenders, and of many miners' unions that were expected to support the administration.

Bert Davis is a member of the Phoenix plasterers' union. At the annual convention he stated he did not want to be president again and would support Warren, but Davis polled the solid vote of his own local. A third candidate for president was D. S. Conrad, of the Phoenix carpenters, but he polled only a small vote.

Wilkinson and Campbell, who is a miner from Bisbee, were the only candidates for secretary and their fight was the hardest of all. The position of secretary is the only permanent paid office in the federation, the salary being \$125 a month.

Following are the vice presidents elected from five districts:

From Maricopa, Yavapai, Mohave, Coconino and Yuma counties, Harvey P. Greene, printer, Phoenix.

From Gila and Graham—B. J. Ponkey, chauffeur, Globe.

From Cochise and Santa Cruz—George Powell, miner, Bisbee.

From Greenlee, Apache and Navajo—Robert R. Bliss, bartender, Clifton.

From Pinal and Pima—Charles Dietrich, carpenter, Tucson.

In a few days the complete vote will be announced for officers and committees. All indications are that the movement to recall Frank Brown of the Bisbee miners, elected legislative watcher by the convention, has failed by a heavy vote.

Goolsby is Night Marshal.

The city council at a meeting held on the evening of Thursday, December 17, elected W. M. Goolsby to the position of night marshal, the new officer there taking the place of Thos. McColloch, who has been appointed by Sheriff-elect Jas. Cash as chief deputy of the Clifton precinct.

Goolsby immediately before his selection resigned from the position as city councilman that he might legally receive the office of marshal at the hands of brother councilmen. For a number of weeks the city council has been endeavoring to reach a decision regarding a man to take the place of McColloch, and held meetings for the purpose, but all to no avail until the deadlock was solved by Goolsby offering to resign from the council, and take the position. At the first suggestion of Goolsby to this effect, his brothers in the council refused to accept his resignation, but apparently due consideration convinced them of the advisability of Goolsby's offer. Four councilmen voted for Goolsby at the Thursday evening meeting, one voted for W. H. Keppler, and one voted for Holland Bass, at present deputy under Sheriff Paddy at Metcalf. The new marshal will begin his duties on the night of Sunday, December 20, Officer McColloch having requested the council to accept his resignation at that time.

Goolsby has been in this section for eighteen years, having worked at Morenci for ten years before coming eight years ago to Clifton, where he has been employed at the smelter of the Shannon Copper company. He also, while at Morenci was engaged in similar work.

Supervisors Elect.

Messrs. Dutton, and Witt, both supervisors-elect, were in Clifton Saturday last in consultation with their coming associate, Supervisor-elect Await, concerning matters which will come before them at their coming term of office.